

REMARKS

Claims 1 – 33 are pending in this application. Claims 1 – 12 and 22 – 33 have been withdrawn from consideration and Claim 34 is added by this response.

Claims 16 and 18 have been indicated as allowable if re-written in independent form.

Applicant's representative would like to thank Examiner Wong for the courtesy extended during the Interview on December 1, 2005.

Claim 13 is amended in accordance with the Examiner's suggestion to include the activity of "coating or otherwise treating food products in the composition". Support for this limitation is found throughout the present specification as well as in originally filed claim 20.

Claim 20 is formally amended to further define the step of treating food products claimed in amended claim 13.

New claim 34 is added by this response and includes features of previously amended claim 13. However, in the step of "adding ingredients", new claim 34 includes adding "at least one of silver and gold into a mixture". Support for new claim 34 is found throughout the present specification as well as in previously amended claim 13.

In view of the above remarks and amendments to the claims, Applicant respectfully submits that no new matter has been added by this response.

Claims 13 – 15, 17 and 19 - 21 are rejected under 35 U.S.C. 102(b)

Claims 13 – 15, 17 and 19 – 21 are rejected under 35 USC 102(b), as being anticipated U.S. Patent No. 5,560,821 issued to Leo et al.

Amended claim 13 describes a method of producing an antibacterial composition for eradicating and/or controlling pathogens. Water, a compound having the chemical formula $H_2SO_4 + (NH_3)_2SO_4$ and at least one of copper, silver and gold are added into a mixture. The mixture is agitated until the ingredients are blended together. The mixture is diluted to an effective antibacterial composition and food products are coated or otherwise treated with the composition.

Leo et al. describes a method for treating wastewater using an antibacterial composition containing ammonium sulfate, copper sulfate and sulfuric acid mixed and diluted with water.

In accordance with the Examiner's suggestion in the Office Action and based on the discussion between Applicant's Representative during the Interview on December 1, 2005, claim 13 has been amended to include the activity of "coating or otherwise treating food products in the composition". This feature is neither disclosed nor suggested by Leo. Therefore, Applicant respectfully submits that claim 13 is now allowable.

In view of the above remarks and amendments to claim 13, it is respectfully submitted that Leo et al. provides no 35 USC 112 compliant enabling disclosure that anticipates the present claimed invention. As claims 14, 15, 17 and 19 – 21 are dependent on claim 13, Applicant respectfully submits that claims 14, 15, 17 and 19 – 21 are also not anticipated by Leo et al. Therefore, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

New claim 34 describes a method of producing an antibacterial composition for eradicating and/or controlling pathogens. Water, a compound having the chemical formula $\text{H}_2\text{SO}_4 + (\text{NH}_3)_2\text{SO}_4$ and at least one of silver and gold are added into a mixture. The mixture is agitated until the ingredients are blended together and the mixture is diluted to an effective antibacterial composition. Applicant respectfully submits that these features are neither disclosed nor suggested by Leo et al.

Specifically, the chemicals used in the treatment system of Leo include ammonium sulfate, copper sulfate and sulfuric acid. Leo et al. provides no 35 USC 112 compliant enabling disclosure of “adding the ingredients of water; a compound having the chemical formula $\text{H}_2\text{SO}_4 + (\text{NH}_3)_2\text{SO}_4$; and **at least one of silver and gold** into a mixture” as in the present claimed invention. Therefore, Applicant respectfully submits that new claim 34 is also allowable.

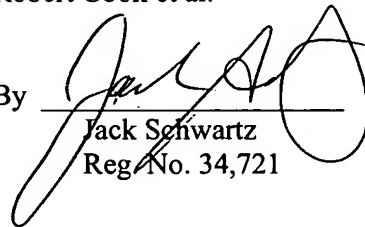
In view of the above remarks and based on the telephone interview with the Examiner, it is respectfully submitted that Claims 13 – 21 and 34 are allowable.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believe to be due with this response. If there is a fee due, please charge the fee to Deposit Account 50-2828.

Respectfully submitted,
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By



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I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2/8/06

Date: February 8, 2006



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